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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,988	01/16/2002	Paul Trpkovski	44046.103.218	9182

7590 04/28/2003

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,988

Applicant(s)

TRPKOVSKI, PAUL

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-36 is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-10,12-16,22 and 24 is/are rejected.
- 7) ☒ Claim(s) 4,6,11,17-21 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/051,988, Methods and Apparatus for Manufacturing Muntin Bar Assemblies, filed on January 16, 2002.

Information Disclosure Statement

The information disclosure statement filed November 13, 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. German Publication 8307458.9 and Canadian Publication 363,117 have been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 594 in Fig. 21. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: the recitation of reference number "124" on page 8, line 9 appears to be incorrect and should be --120--.

Appropriate correction is required.

Claim Objections

Claim 7 is objected to because of the following informality: the word --first-- should be inserted before "muntin" (first occurrence) in line 1 for consistency.

Appropriate correction is required.

There is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The preamble in claim 7 clearly indicates that a subcombination is being claimed, e.g., "a keeper for joining a muntin bar segment to a second muntin bar segment..." This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "a keeper," the muntin bar segments being only functionally recited.

The confusion arises when the muntin bar segments are positively recited within the body of the claim, such as, "wherein the body has an overall thickness that is less than an overall thickness of the muntin bar" in claim 8. Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the keeper alone or the combination of the keeper and the muntin bar segments. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the subcombination and the claims will be rejected accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 10, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by German Publication 8307458.9 to Duis. Duis a method of assembling a muntin bar lattice for use in an insulating glass unit, comprising the steps of: providing a muntin bar segment (13) having a wall (16); providing a keeper (1) dimensioned for piercing the wall of the muntin bar segment; piercing the wall of the muntin bar with the keeper; positioning the keeper in a desired position in which a first portion of the keeper extends beyond a first side of the muntin bar segment and a second portion of the keeper extends beyond a second side of the muntin bar segment; including the step of locking the keeper in the desired position; and inserting the second portion of the keeper into a cavity of a second segment (5).

Duis further discloses the keeper (1) having a elongate body having a proximal end and a distal end; the body having a tip portion (12) disposed at the proximal end thereof; the tip portion being dimensioned for piercing a wall to create an opening therein; wherein the tip portion of the body comprises a first cutting edge (below 12); wherein the tip portion of the body includes a second cutting edge (on the left side of the latch 9) disposed at a first angle relative to a longitudinal axis of the body; wherein the tip portion of the body includes a third cutting edge (to the right side of the latch 9)

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disposed at a second angle relative to the longitudinal axis of the body; and wherein the second angle is substantially equal to the first angle.

Claims 7-10, 15, 16, 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,960,460 to Fischer. Fischer discloses a keeper capable of being used with muntin bar segments, the keeper (1) having an elongate body having a proximal end and a distal end; the body having a tip portion (4) disposed at the proximal end thereof; the tip portion being dimensioned for piercing to create an opening in an object; wherein the body has an overall thickness that is less than the overall thickness of the object; wherein the body has an overall thickness that is less than about half of the overall thickness of the object; wherein the tip portion of the body comprises a first cutting edge; wherein the body is substantially symmetrical about a longitudinal axis thereof; wherein the body is substantially symmetrical about a lateral axis thereof; and including a lock (7) for holding the keeper in a desired position relative to the object; and wherein the lock includes a locking surface that is dimensioned to cooperate with the wall of the object to prevent retrograde motion of the keeper.

Allowable Subject Matter

Claims 4, 6, 11, 17-21, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25-36 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: one of the primary reasons for indicating allowable subject in the above mentioned claims are the limitations of a spacer having a mounting flange including a first portion doubled back upon itself and a plurality of mounting holes defined in the mounting flange.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,353,579 to Miller

U.S. Patent 3,640,787 to Heller

U.S. Patent 4,357,744 to McKenzie et al.

U.S. Patent 4,479,988 to Dawson

U.S. Patent 4,850,175 to Berdan

U.S. Patent 4,970,840 to Ouellette et al.

U.S. Patent 5,099,626 to Seeger

U.S. Patent 5,177,920 to Rafeld

U.S. Patent 5,567,590 to Digman et al.

U.S. Patent 5,791,102 to Sheath et al.

U.S. Patent 5,927,041 to Sedlmeier et al.

U.S. Patent 6,301,843 to Silverman

U.S. Patent 6,425,221 to Reichert

European Publication 651,124 to Loh

Miller discloses a drive fastener for piercing metal structures. Heller discloses a method of producing shaped bodies such as hollow granules. McKenzie et al. disclose a method of connecting an insulated glass frame. Dawson discloses a spacer bar for double-glazing. Berdan discloses a spacer assembly for a multiple glazed unit. Ouelletter et al. disclose a glazing unit having a quadrangular sash. Seeger, Silverman, and Loh all disclose a connection for tubular muntin bars. Rafeld discloses a cross-connector for a window grill construction. Digman et al. disclose a muntin bar assembly. Sheath et al. disclose a joint for glazing bars. Sedlmeier et al. disclose a mounting rail having a plurality of flanges with mounting holes. Reichert discloses a method of fabricating muntin grid pieces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3597 for regular communications and (703) 308-3519 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Anita M. King
Primary Examiner
Art Unit 3632

April 23, 2003